IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10626 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NATHABHAI C. PATEL - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR YOGESH S LAKHANI for Petitioner(s) : 1,
MR LR PUJARI AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 12/01/2007

ORAL JUDGMENT

1. The petitioner, who is challenging the proceedings initiated under the provisions of Urban Land (Ceiling and

Regulation) Act, 1976 (Act No.33 of 1976), submits that in view of repeal of Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Act No.15 of 1999), proceedings would abate because, the petitioner continues to be in possession of the property. He also submits that this Court had initially granted ad-interim relief vide order dated 5/9/1994 which was later on confirmed on 19/9/1994 and since thereafter, the petitioner continues to be in possession.

2. Mr.Kogje, learned Assistant Government Pleader for the State on a query made by the Court says that Mr.H.P. Solanki, Deputy Mamlatdar is in attendance and he states that the petitioner continuous to be in possession of the property in dispute.

3. In view of conjoint reading of secs.3 and 4 of Repeal Act, all the proceedings would stand abated. Consequently, all the orders passed by the revenue authorities impugned in this writ application are quashed.The petition is allowed. Rule is made absolute.

(R.S. GARG, J.)

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